

REMARKS

Claims 1-16 are pending in this application. Claims 1-2, 7-8, 15 and 16 are amended to more clearly recite the Applicant's claimed features and to address informalities. Accordingly, no new subject matter is added. In view of the above amendments and following remarks, reconsideration of this application is respectfully requested.

Applicant submits that entry of this amendment is proper as it respectfully believed that it places this application in condition for allowance and does not raise any new issues that require further consideration and/or search.

Rejections under 35 U.S.C. §112, First Paragraph

The Office Action rejects claims 1-16 under 35 U.S.C. §112, first paragraph, as failing to meet the enablement requirement. This rejection is respectfully traversed.

Applicant encloses a 37 C.F.R. §1.132 Affidavit by one of ordinary skill in the art, stating that the current claims in view of the disclosure are sufficiently enabling to a practitioner of the arts to arrive at the Applicant's claimed subject matter without undue experimentation. Thus, in view of this submission and the arguments presented in the previous Office Action Response (as incorporated herein), Applicant respectfully requests the withdrawal of this rejection.

Rejections under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claim 1 under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant respectfully submits that the amended claim 1 obviates the rejection. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection under 35 USC §102

The Office Action rejects claims 1 and 8 under 35 USC 102(b) as anticipated by Ngai (U.S. Patent No. 5,530,628). This rejection is respectfully traversed.

For a reference to anticipate an invention, all of the elements of that invention must be present in the reference. The test for anticipation under section 102 is whether each and every

element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131.

Applicant's independent claim 1 recites a device for illuminating a line surface (3) having a light source (1, 9) designed to have a linearly arranged illumination and having at least one linearly formed optical element (2, 10), wherein in a region of said optical elements (2, 10) of said light source (1, 9) said device comprises at least one diaphragm (6) having a characteristic which effects a variable numerical aperture in a direction of the line to decrease a light intensity associated with an imaging lens to substantially reduce vignetting (decrease in light intensity at an end of the line).

Applicant's independent claim 8 recites a method for providing illumination of a surface, the method comprising: providing a linearly arranged light source, including at least one optical element; providing at least one diaphragm having a characteristic, in the region of said optical elements of said light source, which effects a variable numerical aperture in a longitudinal direction, in a manner calculated to substantially reduce vignetting produced by a natural decrease in light intensity associated with an imaging lens.

Ngai is directed to a task light that reduces the glare in an enclosed work area, particularly in a furniture system that has an upper shelf housing the light source. Ngai's system uses a light source 95 whose light is reflected off a reflector 97 in a gently curved manner to distribute the light more evenly in a plane perpendicular to the light source's axis (linear). See FIGS. 4-5 and col. 8, lines 13-33. FIGS. 5-8 describe a prismatic grating 150, 163 that more "evenly" distributes the light in the near field along the plane perpendicular to the light source's axis.

In all of Ngai's embodiments, there is no disclosure or suggestion relating to a diaphragm capable of affecting the illumination in the direction of the line of the light source. Nor is there any disclosure regarding reducing vignetting at the end of the line or with the longitudinal direction. In fact, all of Ngai's embodiments deal specifically with a non-line direction (e.g.,

perpendicular plane to a line light). Thus, Ngai does not disclose or suggest all of the features in Applicant's independent claims.

Therefore, for at least the above reasons, Applicant respectfully requests the withdrawal of this rejection.

Rejections Under 35 U.S.C. §103

The Office Action rejects claims 2-6 and 9-16 under 35 U.S.C. 103(a) in view of Ngai. This rejection is respectfully traversed.

To establish a *prima facie* case of obviousness, the Examiner must establish: (1) some suggestion or motivation to modify the references exists; (2) a reasonable expectation of success; and (3) the prior art references teach or suggest all of the claim limitations. *Amgen, Inc. v. Chugai Pharm. Co.*, 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970).

Nagi is noted as using a curved reflector 125 in combination with a prismatic grating 150/163 to arrive at a glare reducing distribution of light within a plane perpendicular to the axis of the light source. As clearly seen in FIG. 9, the "prismatic" stripes 165 span the entire length of the lens 157 and are uniform in their characteristic. Accordingly, if the lens portion 157 were "re-oriented" to be within the plane of the line (linear light source), as possibly suggested by the Office Action, it would render Nagi unoperable for its intended use. Therefore, one of ordinary skill would not be motivated to modify Nagi as suggested by the Examiner.

Moreover, since Nagi is completely silent about line end illumination issues and is directed to illuminating a "square surface" and not directed to illuminating a line surface, it is non-enabling. In view of the absence and lack of teaching in Nagi for line end illumination issues, Applicants respectfully submit that the Examiner is engaging in impermissible hindsight reasoning, using the Applicant's disclosure to find motivation and teaching not otherwise found in the prior art. Further, there is no disclosure in Nagi regarding any of the non-transmissive, curved edge or rim, etc, features recited in the Applicant's dependent claims.

Accordingly, for at least the reasons stated above, Applicant respectfully requests the withdrawal of this rejection.

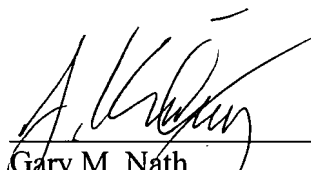
CONCLUSION

In light of the foregoing, Applicant submits that the application is in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner call the undersigned.

Respectfully submitted,
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Attachment: 37 C.F.R. 1.132 Affidavit